IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

OP.No. 9950 of 2002(H)

PETITIONER: K

K.K.SAHADEVAN,KANDACHANTHARA,KANNADY NORTH,P.O.KANNADI,VIA.PULINCUNNOO,ALAPPUZHA DIST.

BY ADV. SRI.E.SUBRAMANI
SRI.S.EASWARAN

RESPONDENTS:
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1. STATE OF KERALA,REPRESENTED BY THE CHIEF SECRETARY,SECRETARIAT,THIRUVANANTHAPURAM

2. THE DISTRICT COLLECTOR,ALAPPUZHA

3. THE PUNJA SPECIAL OFICER,ALAPPUZHA

4. JOY JOSEPH,PATHIL VEETIL,KUNNUMMA, KUTTANAD,P.O.KANNADI,VIA-PULINKUNNU

R4 BY ADV. SRI.N.N.SUGUNAPALAN
R1 TO 3 BY GOVERNMENT PLEADER SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF PROCEEDINGS DT.7.3.92 ISSUED BY R3.

P2: .DO. DT.23.9.92 .DO.

P3: .DO. DT.30.4.1993 ISSUED BY R2.

P4: COPY OF JUDGMENT DT.17.2.99 IN O.P. NO.6427/1993.

P5: COPY OF REVISION PETITION DT.27.9.1999 SUBMITTED BY PETITIONER ON BEHALF OF THE ARUNNOOTTUM PADAVU PADASEKHARAM COMMITTEE BEFORE R1.

P6: COPY OF G.O. DT.9.7.2001 ISSUED BY R1.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 9950 OF 2002

Dated this the 26th day of March, 2007

JUDGMENT

Petitioner is challenging the order issued by the Government permitting the fourth respondent to cultivate his property after making arrangements for construction of bunds and de-watering. While the case of the petitioner is that the entire property should be cultivated together and common service should be rendered by padasekharam committee under the convenor, the case of the fourth respondent is that he had to take permission to do agricultural operations independently because of the failure of the padasekharam committee to do work for common benefit of the farmers. Petitioner was once convenor of the Padasekharam committee and presently a member of the same. Petitioner does not deny the failure to maintain bunds, de-watering, etc., to enable the farmers to cultivate the whole area. In the circumstances, and in the absence of failure of the Padasekharam committee to carry out the work, Government is perfectly justified in permitting the fourth respondent to do agricultural operations himself

availing the benefit.

O.P. is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge